

## REMARKS

[01] Applicant wishes to express his appreciation to Examiner xxx for his thoughtfulness in responding to Applicant's traversals. While Applicant does not agree with all of the Examiner's conclusions, he does appreciate the effort toward resolving the issues on the merits.

### [02] Obviousness Rejections

[03] The present Office Action rejects all claims as obvious in view of a combination of U.S. Patent 6,282,538 to Woods, "Woods" herein, and U.S. Patent No. 5,724,567 to Rose et al., "Rose" herein. These rejections are traversed.

[04] A major issue is whether any or all of the claims read on the result of modifying Woods in accordance with the teachings of Rose, *considered in its entirety*, as required by MPEP 2141.02, citing *W. I. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1340, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Since **Rose teaches against query-based systems such as those covered by the present claims**, the answer is no.

[05] Rose directly addresses text-based queries such as that disclosed by Woods:

While text retrieval systems provide users with flexibility in searching for items of personal interest, they do not provide the ability to have other users direct relevant messages to any particular user. Some text retrieval systems may support persistent queries which provide the user with a notification of new information as it becomes available. However, such information is limited to

that which explicitly matches previously established queries. Other information which may be of interest, but which does not explicitly match a query, would be missed. (*Rose, Col. 1, line 66 to Col. 2, line 8.*)

**[06]** As this paragraph makes clear, the deficiencies of text retrieval systems such as that disclosed by Woods are two-fold: 1) they do not provide the ability for other users to direct relevant messages to any particular user; and 2) items of interest that do not match a query would be missed. Rose then teaches a method of providing interesting messages to a user upon user access of a system without the need to resort to a query.

When a user accesses the system, the system delivers to that user an identification of those items of information in the global database which are believed to be important to the user. (*Rose, Col. 2, lines 31-33.*)

**[07]** Rose is proposing a non-query based information distribution system to address the limitation of query-based information retrieval systems such as that disclosed by Woods and such as those called by the present claims. Rose does not disclose or suggest modifying a query-based system. Modifying a query-based method as proposed in the Office Action would not address the deficiencies identified by Rose as pertaining to query-based systems. Accordingly, one skilled in the art would not be motivated to modify Woods as proposed in the Office Action. Modifying Woods according to Rose's teachings *in their entirety* results in a system that is not query based, and therefore cannot fall within the scope of the claims.

**[08]** Other grounds of traversal of obviousness rejections are incorporated by reference from previous remarks by Applicant. In particular, neither reference displays results as a function of previous searches, as required by Claims 9-11.

**[09]** Non-Statutory Subject Matter

**[10]** Item 3 of the Office Action rejects Claims 1-8 and 12-14 for being directed toward non-statutory subject matter. These claims have been amended to overcome this ground of rejection. If the Examiner concludes that the amendments do not overcome these grounds of rejection, his suggestions are solicited.


**[11]** Informalities

**[12]** Applicant must add that he found the references to Figs. 7 and 8 of Woods in Item 4 of the Office Action to be confusing as Woods lists only Figs. 1-4, 5, and 5A.

**[13]** CONCLUSION

**[14]** The rejections for non-statutory subject are overcome by amendment. The rejections for obviousness are traversed since the proposed modification of Woods by Rose would not overcome the deficiencies Rose identifies with methods such as that disclosed by Woods. Accordingly, Applicant respectfully requests allowance of the application in its current form.

Respectfully submitted

  
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